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March 7, 2002

Ex Parte

William Caton, Secretary
Federal Communications Commission
445 12th Street, SW TW-A325
Washington, DC 20554

Re: Reallocation of the 216-220 MHz,
1390-1395 MHz, 1427-1429 MHz,
1429-1432 MHz, 1432-1435 MHz,
1670-1675 MHz, and 2385-2390 MHz
Government Transfer Bands
WT Docket No. 02-08

Dear Mr. Caton:

On March 6, 2002, Itron, Inc. ("Itron"), by its attorneys, filed the attached comments in response to a Public Notice issued by the Commission on February 14, 2002.[1] Because the matters discussed in Itron's comments are relevant to the issues raised in the Notice of Proposed Rulemaking in the above-referenced proceeding, Itron has attached a copy of those comments for inclusion in WT Docket No. 02-8.

Respectfully submitted,

Joseph A. Godles
Attorney for Itron, Inc.

[1] Wireless Telecommunications Bureau Seeks Comment on NTIA Report on Current and Future Spectrum Use By The Energy, Water, And Railroad Industries, *Public Notice*, DA 02-361 (rel. Feb. 14, 2002).

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
NTIA Report on Current and Future	)	DA 02-361
Spectrum Use By The Energy,	)	
Water, and Railroad Industries	)	

COMMENTS OF ITRON, INC.

In a Public Notice released on February 14, 2002, DA 02-361, the Commission requested comments concerning a study released by the National Telecommunications and Information Administration ("NTIA") on January 30, 2002. The study addresses the spectrum needs of the utility and railroad industries.[2]

For the reasons stated herein, Itron, Inc. ("Itron") supports the finding in the *NTIA Report* that additional, exclusive spectrum is needed to support utilities and utility infrastructure. The Commission recently took an important step towards that goal by making the 1429.5-1432 MHz band available for telemetry. Itron urges the Commission to give maximum effect to this action, and to advance the aims described in the *NTIA Report*, by making its 1429.5-1432 MHz band allocation exclusive to utility telemetry, which would enable utilities to monitor and control energy distribution and use.

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[2] *See* Marshall W. Ross & Jeng F. Mao, "Current and Future Spectrum Use by the Energy, Water, and Railroad Industries: Response to Title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 Public Law 106-553," U.S. Department of Commerce, National Telecommunications and Information Administration (Jan. 30, 2002) [hereinafter the "*NTIA Report*"].

INTRODUCTION AND BACKGROUND

Itron is the nation's leading manufacturer of automated utility meter reading systems ("AMR"). AMR devices use state-of-the-art integrated technologies to monitor and transmit usage data from utility meters to utility databases in real time. Itron has been licensed to use the 1427-1432 MHz band ("1.4 GHz") for AMR since the early 1990s.[3]

The benefits of AMR are well documented. AMR expedites data collection and analysis, facilitating the use of precision load forecasting, long-term power purchase contracts, proactive load management and control, demand-side management programs and incentives, dynamic rate structures, and conservation programs. With these systems in place, suppliers can direct valuable resources to consumers with much greater precision and efficiency. The Commission has recognized the value of these systems, noting that AMR systems "benefit consumers by reducing billing problems, increasing the accuracy of meter readings and, ultimately, lowering utility bills."[4]

Despite the obvious benefits of AMR, regulatory uncertainty regarding a long-term, protected spectrum allocation for AMR has slowed the incorporation of AMR by utilities. The future success of AMR, therefore, depends on the continued availability of adequate spectrum and the establishment of a permanent spectrum home for utility telemetry.

Recently, in a proceeding before the Commission involving the reallocation of 27 megahertz formerly allocated for federal government use, Itron, the United Telecom Council, and the American Hospital Association have asked that utility telemetry

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[3] File No. 94011151777 (1994) (granting Itron authority to operate across 1427-1432 MHz band); File No. 0187-EX-RR-1999 (1999) (renewing Itron authority).

[4] Amendment of Sections 22.501(g)(2) and 94.65(a)(1) of the Rules and Regulations to Re-Channel the 900 MHz Multiple Address Frequencies, *Report and Order*, 3 FCC Rcd 1564 (1988).

receive exclusive, nationwide, primary authority to operate in the 1429.5-1432 MHz band.[5] As discussed below, such an allocation should be an integral part of the Commission's efforts to protect and maintain the nation's critical utility infrastructure.

DISCUSSION

I. AMR Systems Are An Important Component Of The Nation's Critical Utility Infrastructure.

AMR systems are designed to meet not only residential and small business metering needs, but also the more complex needs of larger commercial and industrial energy customers. No matter what the application, automatic metering technology provides an efficient and cost-effective means to deliver a wealth of crucial data used to protect and maintain the nation's critical infrastructure.

Itron's AMR systems, for example, are used to collect, analyze, and deliver complex data to electric, gas, and water utilities and their customers. These AMR systems establish a direct link between utility and customer, making it possible to reduce peak demand and shift usage to off-peak hours, as well as to encourage conservation by providing customers with detailed, real-time price, consumption and outage information.

The accurate forecasting provided by AMR allows more precise planning of supply and generation requirements, further reducing frantic and costly power acquisitions when energy reserves near emergency levels. By collecting real-time data, a utility can develop a new portfolio of dynamic rate structures and incentive programs, real-time pricing packages, and interruptible rates that can be targeted to specific

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[5] *See* Comments of Itron, Inc., WT Docket No. 02-08, at 2-4 (filed Mar. 4, 2002); Reallocation of the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Band Transfer Bands, *Notice of Proposed Rulemaking*, WT Docket No. 02-08, ¶¶56-57 (rel. Feb. 6, 2002) [hereinafter the "*NPRM*"]. Itron also has asked the Commission in this proceeding to

customers to significantly improve load management and reduce peak demand. In addition, AMR provides utilities with the ability to detect energy theft, thereby helping to reduce the billions of dollars lost in stolen energy each year.[6]

Wireless capability also is the best means of coping with situations involving natural disasters where power lines may be down or natural gas lines broken. Land line communications – power lines, cable TV, fiber optic, and telephone lines, which all share the same poles - are subject to failure from weather such as ice storms, tornadoes, hurricanes, earthquake, mud slides, or accidents involving utility poles. Having the ability to detect a fault and activate valves and switches, greatly improves a utility's ability to protect public safety.

II. The Nation's Critical Infrastructure May Be Impaired If Exclusive Spectrum Is Not Provided For Utility Telemetry.

The *NTIA Report* directed the Commission to consider allocating additional and exclusive spectrum for utility infrastructure.[7] The Commission's current proposal, as set forth in the *NPRM*, allocates sufficient spectrum for current utility telemetry needs. Itron urges the Commission, however, to allocate this spectrum for the exclusive use of AMR and other utility telemetry.

As Itron has demonstrated in other Commission proceedings, utility telemetry is better suited than other forms of telemetry to operate in the 1429.5-1432 MHz band. Utility telemetry has a proven record of co-existing with federal government and radio astronomy stations in adjacent bands.[8] Moreover, Itron and the American Hospital Association Task Force on Medical Telemetry have developed a band plan enabling

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approve a primary user band flip agreement between utility telemetry and medical telemetry in certain portions of the country. *See id.* at ¶¶50-52.

[6] *See NTIA Report* at 3-12.

[7] *See id.* at 7-2.

[8] *See, e.g.,* Comments of Itron, Inc., ET Docket No. 00-221, at 7 *et seq.* (filed Mar. 8, 2001).

utility telemetry and wireless medical telemetry to operate adjacent to one another in the 1427-1432 MHz band without causing harmful interference.[9] For these reasons, an exclusive allocation for utility telemetry is appropriate.

CONCLUSION

In view of the foregoing, the Commission should further the goals expressed in the *NTIA Report* and protect vital utility infrastructure by adopting rules giving utility telemetry exclusive primary rights to the 1429.5-1432 MHz band.

Respectfully submitted,

ITRON, INC.

/s/ Joseph Godles

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March 6, 2002

[9] *See* Joint Statement of Position by the American Hospital Association Task Force on Medical Telemetry and Itron, Inc., attached to Comments of Itron, Inc., ET Docket No. 00-221 (filed Mar. 8, 2001).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Comments of Itron, Inc. was sent by first-class mail, postage prepaid, this 6th day of March, 2002, to each of the following:

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